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HAK TALKING POINTS
REVIEW GROUP MEETING
NSSM 59 - US Policy on CW and BW

I. Introduction

- A. This is a complex subject
- B. It will simplify our consideration if we focus on the three basic issues to be decided. What should be our policy on:
 - Biological Warfare (BW)
 - Chemical Warfare (CW) excluding Riot Control Agents
(Tear Gas and Herbicides)
 - Ratification of the 1925 Geneva Protocol and the use of Tear Gas and Herbicides.
- C. Each of these basic issues subsumes a number of Policy Issues stated in the IPMG paper.
- D. I suggest we consider:
 - The three basic issues and related questions
 - How we should present the issues to the NSC

II. Biological Warfare (BW) Policy

- A. The issue is whether we should retain:
 - 1. Full capability including lethal agents for deterrence and retaliation and to give us the option of "first use".
 - 2. Capability for only incapacitating agents the principal utility of which is in a "first use" role against an unsophisticated enemy
appears to be

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3. Only R & D capability for offense and defense or for defense alone.

B. There seems to be general agreement that only an R & D program for defensive purposes alone should be maintained (OSD recommended this course)

~~Both~~ ^{AND PERHAPS OPTION TWO} Options ~~one~~ ^{and two} imply a need for - and relevance of - a retaliatory or deterrent capability. But in BW these concepts are doubtful at best.

-- Effectiveness and controllability of both lethal and incapacitant weapons is admittedly questionable.

-- With an R & D base and the existing production facility in readiness we could move quickly to produce agents for offensive use.

-- (JCS may support retention of an offensive capability--both lethal agents for possible deterrence and incapacitating agents for possible flexibility in attacking certain targets, (e.g. amphibious landing areas.)

D. Our position on UK Draft Convention (1969) on BW is a related issue.

-- A decision to confine BW program to R & D for defensive purposes would allow us to support the UK draft if we choose to

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do so. Decision as to whether to support the draft could be made on basis of relationship to other arms control discussions and measures, responses of other parties, verification procedures, etc.

- Only a decision to restrict BW programs to defensive R & D keeps our options open on the UK draft. Under any other course we would have to oppose the draft.

III. Chemical Warfare (CW) Policy

A. I think we should consider the lethal and incapacitating agents first and leave the riot control agents such as Tear Gas for later. Tear Gas relates to our position on the 1925 Geneva Protocol and it would be best to consider them together.

B. There are two basic policy issues:

~~1.~~ Should incapacitants be covered by the "no first use" policy now applicable to lethal agents?

~~2.~~ Should we maintain a chemical capability for retaliation/deterrence? or

-- Should the program be limited to R & D and defensive measures only?

C. "First Use"

-- We have renounced first use of lethal chemical weapons (but we have not ratified the Geneva Protocol) (No agency supports

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"first use" policy for lethal agents -- the political costs of withdrawing from our declared renunciation would be excessive.)

2. Should incapacitating agents be covered by this policy?

- Is a "no first use" policy credible if we continue the ~~incapacitants~~ program? *incapacitants*
- Their military utility appears to be limited primarily to "first use" situations. They appear to have little deterrent or retaliatory value. (We do not now have an effective operational capability.)

D. Retaliatory/Deterrent Capability

1. The first question is "Do we need a chemical capability to deter a chemical attack or to retaliate?"

- Without this capability we would be relying upon nuclear weapons and enemy uncertainty of our capability for deterrence.
- Should we forego whatever deterrent effect the chemical capability provides?
- Does retaliation in kind provide a real "middle option"? [REDACTED]
- [REDACTED]

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Def. of retaliatory
capability?

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PA/HO Department of State
E.O. 12958, as amended
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- [2. To conduct full-scale chemical retaliation against large-scale chemical attack (the most extreme case) would require major increases in the CW program (at minimum a tripling of the overseas stocks in the FRG and elsewhere—U. K. and Italy have refused to allow such stocks—a greatly increased US stockpile, and more emphasis on defensive measures at a total program cost of at least \$2-3 billion). Only JCS have favored support of this extreme case. OSD has concluded that the capability to deter requires much less (potential enemy would be uncertain of scope and capability of our programs) and that, while it still provides some option for retaliation in kind, support of the extreme case would be redundant at best since nuclears cannot be ignored in such an equation.]

3. If we want a retaliatory capability, should we maintain stockpiles in the U. S. or overseas?

- Should we give up the capability we have in view of (a) uncertainty of deterrent effect and (b) our limited retaliatory capability?
- Should we withdraw stocks from the FRG? (Stocks there enable some possible rapid response but are a potential source of friction.)

State
+ Defense
in discussion

E. R & D and Defensive Measures

1. Will such a program provide any deterrent?
-- Opponents would still be uncertain as to our retaliatory capability and the nature of our response.
2. For all practical purposes, this would foreclose the option to use chemicals in retaliation.
3. Would this policy keep our options open for future decision on binary agents?
-- Binary agents (safe to store and handle) are in R&D now.

F. (You may wish to ask OSD to discuss their recommendation on CW policy. OSD recommends:

1. Stockpiles in U.S. and Europe only. *why?*
2. Retaliatory/Deterrent policy. *sure?*
3. Limit program to R&D of binary agents until these are developed.)

IV. Geneva Protocol/Tear Gas

A. The basic question is:

1. Do we want to continue extensive use of tear gas in Vietnam and to retain an extensive unrestricted use option for future conflicts?

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- B. Ratification of Protocol with a "no first use" chemical policy and restriction on use of tear gas for riot control and humanitarian purposes would not appear difficult.
 - 1. This would require change or substantial reduction in our use in Vietnam (e. g. , in conjunction with high explosives and aircraft delivery) .
- C. If we want to use tear gas more extensively (JCS do -- military utility in Vietnam type conflict) the choices appear to be:
 - 1. Ratify with interpretation or public statement that we do not consider unrestricted use in war prohibited, although unrestricted use would probably be difficult to sell internationally.
 - 2. Attempt to buy time by further discussion of application of Protocol to tear gas.
- V. Are there any other issues which the NSC should address?
(OST will probably suggest another issue: "Should the use of all chemicals in war, including tear gas and herbicides, require Presidential authorization? "
-- We agree that it is an issue -- JCS directives require Presidential authorization for all except tear gas and herbicides.

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If OST does not raise the issue, we recommend you do so along the following lines?

-- I note that use of tear gas and herbicides do not require Presidential authorization.

-- In light of possible political and military implications, should we not consider this an issue for the NSC?).

Do we agree that these are the issues for NSC consideration?